

REMARKS/ARGUMENTS

The undersigned thanks the Examiner for his thorough examination and suggestions regarding the claim language. Solely in order to expedite prosecution, claims have been presented in a form which believed to be more preferred by the Examiner. However, it is respectfully submitted that the use of "one or more" in the claim language is proper. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. §112.

In the Office Action, the Examiner has rejected claims 1-4, 7-13, 15 and 17-26 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,448,585 (Wells et al.) in view of U.S. Patent No. 6,732,195 (*Baldwin*). Claims 5 and 6 have been rejected over Wells et al., Baldwin, and further in view of U.S. Patent No. 4,856,787 (*Itkis*). Claims 14 and 16 have been rejected over Wells et al., Baldwin, and further in view of U.S. Patent No. 6,379,248 (*Jorasch et al.*). The Examiner's rejection of claims under 35 U.S.C. 103(a) is fully traversed below.

As a representative claim, claim one (1), among other things, recites that "each of said gaming machines includes a communication module connected to a master gaming controller of each said gaming machine whereby identification and control signals for a specific one or more of said plurality of gaming machines can be input to, and sent from, said transponder to the master gaming controller of the selected gaming machines and in reply thereto, status data of said selected gaming machines can be sent to, or overwritten by, said transponder."

In the Office Action, the Examiner has asserted that U.S. Patent No. 6,448,585 (*Wells et al.*) teaches these features (Office Action, page 6, citing Col. 4, lines 24-36 of *Wells et al.*). For the Examiner's convenience, the pertinent section of Wells et al. which has been relied on by the Examiner to support the Examiner's rejection of claim one (1) is reproduced.

“Although it is possible to combine numerous functions onto a given board, typically numerous boards will be provided in a gaming terminal for forming a plurality of functions. In the depicted embodiment, the game controller board communicates with a communications board 124 which provides information to and, receives information from a local controller 114a and/or central computer 116, for purposes such as monitoring use and performance, assuring compliance, performing accounting and similar functions, and facilitating implementation of progressive or other multi-terminal based games or prizes. In one embodiment, the communications board 124 includes one or more ports by which a laptop 128 or other computer may be coupled to the gaming terminal 112a for, among other purposes, downloading as described more fully below” (*Wells et al.*, Col. 4, lines 24-36).

It is respectfully submitted that the Examiner’s rejection of claim 1 is improper and should be withdrawn. Other independent claims recite similar features as claim 1. Accordingly, it is respectfully submitted that the rejection of claims 1-26 is improper and should be withdrawn.

Moreover, the dependent claims recite features that render them patentable for additional reasons. For example, claim 5 recites that the control signal determines which game is able to be played. Contrary to the Examiner’s assertion, it is respectfully submitted that *Itkis* does not teach this feature (see page 11 of the Office Action). Instead, *Itkis* teaches that “[t] the slave game device receives commands and random data, such as bingo patterns and called bingo and keno numbers, from the master game device and sends the local game status and accounting information to the master game device” (*Itkis*, Abstract). According, it is respectfully submitted that the Examiner’s rejection of claim 5 is improper for this additional reason.

Furthermore, it is respectfully submitted that the Examiner’s rejection of claim 20 is improper an additional reason. Claim 20, among other thing, recites: transmitting identification and control signals from said transponder to said selected gaming machine(s) to both select game and enable the master gaming controller thereof.” It is respectfully submitted that the Examiner’s rejection of claim 20 does neither address the feature of selecting a game, nor the feature of enabling the master gaming controller.

Still further, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness because the Examiner has failed to provide a motivation or suggestion for combining the references. Clearly, the mere assertion that

the references can be combined or the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient to establish a prima facie case of obviousness (MPEP 2143.01). The prior art must suggest the desirability of the claimed invention (MPEP 2143.01). In this case, clearly, the mere assertion that *Baldwin* can be combined with *Wells et al.* “in order to reduce the effort and time required in manipulation of gaming software and gaming maintenance” does not establish a prima case of obviousness (see page 6 of the Office Action). Accordingly, it is respectfully submitted that the Examiner’s rejection of claims 1-4, 7-13, 15 and 17-26 is improper for an additional reason.

In addition, it is respectfully submitted that the mere assertion that Wells, Baldwin and *Itkis* can be combined in order to “increase the attractiveness of the gaming machine by offering multiple games so that it will interest more players to play the gaming machine” does not establish a prima facie case of obviousness (see page 11 of the Office Action). Accordingly, it is respectfully submitted that the rejection of claims 5 and 6 is improper and should be withdrawn for this addition reasons. Similarly, the rejection of claims 14 and 16 is improper because the mere assertion that Wells, *Baldwin* and *Jorasch et al.* can be combined in order “to attract players that only use machines that allow player tracking capabilities and therefore increase the time the machine is used and earning profit for the casino” does not establish a prima facie case of obviousness (see page 12 of Office Action). Therefore, the Examiner’s rejection of claims 14 and 16 is improper for this additional reason.

The Applicant hereby reasonably challenges various assertions made by the Examiner in the Office Action and respectfully requests that the Examiner provide evidence that support the assertions made in the Office Action. For example, the Examiner has asserted that it would have been obvious to provide data for performance of a particular player and an outcome of a game in the context of the invention recited in claims 10-12 (Office Action, page 9). However, the Examiner has not provided any evidence to support this assertion.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any

further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P145). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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